

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, EASTERN DIVISION

HON. <u>VANZETTA MCPHERSON,</u> MAG JUDGE	AT <u>MONTGOMERY,</u> ALABAMA
DATE COMMENCED <u>AUGUST 1, 2005</u>	AT <u>11:15</u> A.M./P.M.
DATE COMPLETED <u>AUGUST 1, 2005</u>	AT <u>11:25</u> A.M./P.M.

WILLIAM EARL WINDHAM, et al)	
)	
Plaintiffs)	
v)	CA No. 3:05cv472-M
)	
B. W. CAPPS & SONS, INC.)	
)	
Defendant)	

<u>PLAINTIFF(S)/GOVERNMENT</u>	<u>APPEARANCES</u>	<u>DEFENDANT(S)</u>
	X	
Attys David Rayfield	X	Atty James McKoon
	X	
	X	
	X	

<u>COURT OFFICIALS PRESENT:</u>	
Bernodine Green, Judicial Assistant	Sheila Carnes, Courtroom Clerk

PROCEEDINGS:

() NONJURY TRIAL

(x) OTHER PROCEEDING: SCHEDULING CONFERENCE

11:15 a.m. Scheduling conference commenced by telephone.
Tentative trial date: June 12, 2006 (subject to confirmation by the Court). Diversity case involving permanent physical injury; settlement is questionable. Order to issue directing the plaintiff to file a notice within 30 days of costs and expenses for all damages incurred (itemized in specific categories). This case involves extensive factual disputes and therefore is not a summary judgment case.

11:25 a.m. Conference concluded.